

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
HAMMOND DIVISION

THOMAS BRODZIK	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 2:13-cv-438 JD
	)	
CONTRACTORS STEEL, INC., <i>et al.</i> ,	)	
	)	
Defendants.	)	

**OPINION AND ORDER**

The Plaintiff, Thomas Brodzik, filed a four-count complaint in this matter, asserting claims for FMLA interference (Count 1) and retaliation (Count 2), disability discrimination (Count 3), and age discrimination (Count 4) against his former employer, Contractors Steel, Inc., and his former supervisor, Marty Haendiges. The Defendants moved to dismiss Counts 1 through 3 for failure to state a claim, and this Court referred that motion to the magistrate judge for a report and recommendation. On September 2, 2014, Magistrate Judge Cherry issued an amended report and recommendation in which he recommended that the Court grant the motion to dismiss as to each of the three counts at issue, but with leave to amend. [DE 28]. Mr. Brodzik subsequently filed a statement in which he indicates that he is in agreement with those recommendations and wishes to file an amended complaint. [DE 29]. The Defendants have not filed any objection.

After referring a dispositive motion to a magistrate judge, a district court has discretion to accept, reject, or modify, in whole or in part, the findings or recommendations of the magistrate judge. 28 U.S.C. § 636(b)(1). Consistent with Federal Rule of Civil Procedure 72(b), the district court must undertake a de novo review “only of those portions of the magistrate judge’s disposition to which specific written objection is made.” *See Johnson v. Zema Sys. Corp.*, 170

F.3d 734, 739 (7th Cir. 1999) (citing *Goffman v. Gross*, 59 F.3d 668, 671 (7th Cir. 1995)). If no objection or only a partial objection is made, the court reviews those unobjected portions for clear error. *Id.* Under the clear error standard, a court will only overturn a magistrate judge's ruling if the court is left with "the definite and firm conviction that a mistake has been made." *Weeks v. Samsung Heavy Indus. Co., Ltd.*, 126 F.3d 926, 943 (7th Cir.1997).

Having reviewed the Report and Recommendation and finding no clear error therein, the Court ADOPTS the Report and Recommendation [DE 28] in its entirety. The Defendants' motion to dismiss [DE 8] is GRANTED. Counts 1 through 3 of Plaintiff's complaint are DISMISSED without prejudice, and Plaintiff is GRANTED 30 days within which to file an amended complaint.

SO ORDERED.

ENTERED: September 22, 2014

/s/ JON E. DEGUILIO  
Judge  
United States District Court